

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

PB 2010-001960

05/17/2011

HON. GARY E. DONAHOE

CLERK OF THE COURT  
S. Yoder  
Deputy

IN THE MATTER OF THE ESTATE OF:

ELLIOTT KLEIN

DECEASED.

JEFFREY B COHN  
PRESCOTT B POHL  
ROBERT L STEWART JR.

JUDGE KLEIN

**BENCH TRIAL SET**

Courtroom ECB 511

11:04 a.m. This is the time set for Status Conference. Counsel Kevin J. Parker appears in place of Prescott B. Pohl, counsel for Personal Representative Nancy Freitas. Counsel Robert L. Stewart, Jr. appears on behalf of Adair Diane Jackman. Counsel Jeffrey B. Cohn appears telephonically on behalf of Heather May Quinnan.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the status of the case.

Mr. Cohn's client has reached a settlement with the estate. Issues regarding formalizing the settlement agreement are discussed. The agreement should be fully executed by May 27.

The only other matter pending resolution is Heather May Quinnan's petition for adjudication of intestacy.

**IT IS HEREBY ORDERED** adopting the disclosure and discovery schedule as set forth in the formal written Scheduling Order signed by the Court this date.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

PB 2010-001960

05/17/2011

**IT IS FURTHER ORDERED** setting Heather May Quinnan's Petition for Adjudication of Intestacy, Determination of Heirs and Appointment of Personal Representative in Intestacy and Objection to Application for Informal Probate of Will and for Informal Appointment of Personal Representative for a Bench Trial beginning on **September 26, 2011 at 9:30 a.m.**

**Note: Judge Klein will be assuming this calendar as of July 1, 2011.**

**THE HONORABLE ANDREW G. KLEIN  
MARICOPA COUNTY SUPERIOR COURT  
OLD COURTHOUSE  
1<sup>st</sup> FLOOR, COURTROOM 103  
125 WEST WASHINGTON STREET  
PHOENIX AZ 85003  
602-506-4645 TEL  
602-372-8671 FAX**

Time allotted: **Four days.**

**IT IS FURTHER ORDERED** setting this matter for a **Final Trial Management Conference and Oral Argument on any Motion for Summary Judgment for September 9, 2011 at 11:00 a.m.** (time allotted: **one hour**) before Judge Klein. All counsel and self-represented parties must **appear in person** and cannot appear telephonically.

**NOTE:** All court proceedings are recorded by audio and video method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division (602-506-3712) three (3) court business days before the scheduled hearing.

11:30 a.m. Matter concludes.

Based upon the foregoing trial setting,

**IT IS FURTHER ORDERED** as follows:

**DUTIES PRIOR TO THE PRETRIAL MANAGEMENT CONFERENCE**

**JOINT PRETRIAL STATEMENT:** Counsel shall file with the Court no later than **5 p.m. on September 2, 2011, a Joint Pretrial Statement conforming in all respects to Rule 16(d),**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

PB 2010-001960

05/17/2011

**ARCP**, except as specifically otherwise provided herein and signed by all counsel and parties representing themselves.

**Final Trial Witnesses:** In addition to the information required by Rule 16(d), the Joint Pretrial Statement shall include an exhibit entitled: **Final Trial Witness List**. This list shall contain the name of each witness a party actually intends to call at trial, the day on which they intend to call each witness and the estimated time needed for direct, cross and re-direct examination.

**DUTIES AT PRETRIAL MANAGEMENT CONFERENCE**

At the Pretrial Management Conference, counsel shall be prepared to discuss:

- a) Time limits for opening statements, examination of witnesses and closing arguments.
- b) Stipulations for the foundation and authenticity of exhibits.
- c) Any special scheduling or equipment issues.

In addition to the information required by Rule 16(d), counsel shall at the Pretrial Management Conference provide to the Court copies of any deposition transcripts to be used at trial.

Counsel shall at the Pretrial Management Conference provide the Court with any trial memoranda (optional), which will be in lieu of post-trial briefs unless otherwise requested by the Court at the conclusion of the trial.

Counsel shall submit proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

Counsel are reminded to promptly notify the Court of any settlement pursuant to Rule 5.1(c), Ariz.R.Civ.P.

Counsel and any parties representing themselves shall call the courtroom clerk at 602-506-3553 no later than **September 12, 2011** to make arrangements for delivering exhibits. The exhibits will be marked serially as they are listed in the Joint Pretrial Statement – Plaintiff's first, Defendant's second. Please advise the clerk, by signed stipulation or on the record referring specifically to the Joint Pretrial Statement, which exhibits may be marked directly into evidence.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

PB 2010-001960

05/17/2011

**Prior to presenting the exhibits to the clerk, counsel shall also meet and confer to eliminate any duplicate exhibits.**

**The Court requires one set of exhibits to be marked and a second set in a binder for the Judge's use during the trial.**

The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.